

### **REMARKS**

This responds to the Office Action mailed on May 4, 2006, and the references cited therewith. Applicant's representatives appreciate the Examiner's time and input in the August 31, 2006 telephone interview. The claims have accordingly been amended.

Independent claims 1, 21, 27, 31,34, and dependent claim 36 are amended, claims 2-13, 16-20, 22-26, .28-30, 32-33, 35, and 37-41 are Original, and no claims are added, claims 14 and 15 are canceled; as a result, claims 1-13 and 16-41 are now pending in this application.

#### **Claim Objections**

Claim 36 was objected to as being of improper dependent form. Claim 36 has been amended and is now in independent form. It is therefore respectfully requested the objection be withdrawn.

#### **§102 Rejection of the Claims**

Claims 1-13, 16-18, and 34-38 were rejected under 35 U.S.C. § 102(e) for anticipation by McClure et al (U.S. Patent No. 6,250,548).

Independent claim 1, 34, and 36 have been amended to substantially include the limitations of dependent claims 14 and 15 rejected under 35 U.S.C. 103. Therefore, their rejections, along with the rejection of their dependent claims 2-13, 16-18, 35, and 37-38 are accordingly addressed below.

#### **§103 Rejection of the Claims**

Claims 14-15, 19-33 and 39-41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McClure et al.(U.S. Patent No. 6,250,548, hereinafter, "McClure") in view of Lemmons (U.S. Publication No. 2003/0028873, hereinafter, "Lemmons").

Applicant respectfully submits that the Office Action did not make out a *prima facie* case of obviousness because even if combined, the cited references fail to teach or suggest all of the elements of Applicant's claimed invention.

Claim 1 recites:

“A computer-implemented method of collecting votes from at least some of a group of voters, comprising:

broadcasting an interactive voting application to a plurality of remote broadcast receivers from at least one of a list including a satellite uplink and a cable head-end,

receiving from at least some of the broadcast receivers authentication information associated with one or more voters;

authenticating the voters by comparing the received authentication information with stored authentication information associated with the voter; and

receiving electronic ballots from the broadcast receivers, each electronic ballot comprising a set of votes inputted into the broadcast receiver by a voter using the interactive voting application

McClure describes an electronic voting system 40, (figure 1) an internet voting software transmitted to PCs via public, private or semi-private servers, (column 35, lines 27-30).

However, as the Examiner has indicated on page 8 of the Office Action in rejecting claims 14 and 15 that McClure fails to disclose, “**broadcasting an interactive voting application to a plurality of remote broadcast receivers from at least one of a list including a satellite uplink and a cable head-end,**” as recited in claim 1 as amended to include the features of claim 14 and claim 15.

Adding the teachings of Lemmons fails to cure the defects of McClure. Lemmons discusses a viewer being capable of casting a vote via a selectable link (paragraph 0047). This indicates, as discussed in the Examiner interview, that the voting application actually resides and executes on a server remote from the user. This means the user and receiver device would never receive an application and therefore any transmitting device coupled to the receiver device (e.g., via head-end or satellite) could not have possibly, transmitted “**an interactive voting application to a plurality of remote broadcast receivers,**” as recited in claim 1.

Consequently, combining the teachings of Lemmons to those of McClure fails to make claim 1 obvious and therefore is allowable over the cited references. Because claims 2-13 and 16-18 depend directly or indirectly on claim 1, these claims are allowable over the cited references.

As per independent claim 19, in the light of the above argument with respect to independent claim 1 and the transmission of an application, neither McClure nor Lemmons teaches, “**transmitting in a broadcast television signal an interactive voting application**” (emphasis added), as recited in claim 19. Consequently, claim 19 is patentable over the cited

references. Because claim 20 is dependent on claim 19 it is also patentable over the cited references.

Independent claim 21 includes substantially the same limitations as that of independent claim 1. Specifically, neither McClure nor Lemmons teaches as recited in claim 21, **“tuning a broadcast receiver, from at least one of a list including a satellite uplink and a cable head-end, to a voting channel, the broadcast receiver receiving a broadcast signal, containing an interactive voting application, on the voting channel”** (emphasis added). Therefore, the arguments that applied to claim 1 also apply to claim 21 and thus claim 21 is allowable over the cited references. Because claims 22-26 dependent on claim 21 they are also patentable over the cited references.

Independent claims 27 and 31 include substantially the same limitations as that of independent claim 1. Specifically, neither McClure nor Lemmons teaches as recited in claims 27 and 31, **“a broadcaster adapted to transmit broadcast data, the broadcast data including an interactive voting application; a plurality of broadcast receivers from at least one of a list including a satellite uplink and a cable head-end.”** Therefore, claims 27, 31, and their dependent claims 28-30 and 32-33 are patentable over the cited references.

Independent claims 34 and 36 include substantially the same limitations as that of independent claim 1. Specifically, neither McClure nor Lemmons teaches or suggest as recited in claims 34 and 36, **“An interactive voting application transmissible via at least one of a list including a satellite uplink and a cable head-end.”** Therefore, claims 34, 36 and their respective dependent claims 35 and 37-38 are patentable over the cited references.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 408-278-4045 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.


Respectfully submitted,

TIMOTHY V. TRAVAILLE

By his Representatives,

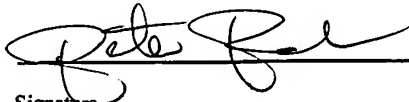
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
408-278-4045

Date October 4, 2006

By   
Ali Miresghhi  
Reg. No. 58,726

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 4 day of October 2006.

  
Name

  
Signature